

North Rico Light Industrial Park

9/8/2004

Brownfield - Brownfield Pilots - Technical Documents - North Rico
Light Industrial Park - BRN/DOL/NRLI - 1991

BRN/3.3./31

1765074 - R8 SDMS



North Rico Light Industrial Park

BRN/3.3./31

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ERIC JAMES HEIL, ESQ.

TELECOPIER COVER SHEET

TO: Mark Walker DATE: 6-10-02FAX NO: (303) 759-5355

FROM: Eric James Heil

PHONE: (970) 967-5550

RE: Brownfields GrantPAGES W/ COVER: 9

NOTES:

Hi Mark, here is a start on the two Brownfields grant applications. There is a lot of information I don't have, we have been working on it, but like most things in Rico it seems more questions arise whenever we start looking into issues around here. Please let me know if more info is needed or what else I can do with regard to these applications. Eric.

North Rico Light Industrial Park

6/10/2002

Brownfield - Brownfield Pilots - Technical Documents - Fax -
Brownfields Grant

BRN/3.3./34



BRN/3.3./31

Brownfields Assessment Grant Application: Rico Maintenance Barn



Rico Maintenance Barn building and site

1. Contact Person

Name: Eric James Heil, Esq.
Telephone Number: (970) 967-5550
Facsimile Number: (970) 967-5551
Postal Address: P.O. Box 189
2 Commercial Street
Rico, CO 81332

E-Mail Address: ericheil@frontier.net

2. Site/Project Location

Site Name: Maintenance Barn

Located in the Town of Rico, Dolores County, 81332
1 Acre

Delinquent Taxes: None
Assessed Value of the Property:

3. Site History and Current Status

This site was originally part of the Rio Grand Southern rail yard in Rico which use operated from approximately 1890 to 1955. Since 1955 the site has been used as maintenance barn for County and Town road departments.

There has been no known local, state or federal regulatory involvement at the site and neither CDPHE nor EPA has invested any funds at this site. No response action has been take at this site under either CERCL or RCRA.

There is no know contamination at this site. No environmental investigations have been undertaken.

There has been general developer interest in development in the River Corridor area; however, no formal plans have been submitted to the Town and to the best of our knowledge no formal plans for development have been prepared. Presently, Rico Renaissance is working with a the Town of Rico to discuss potential comprehensive development plans of its mol 1,800 acre land holding which includes approximately 62 along the Dolores River corridor in the Town of Rico. The Town's river corridor plan envisions that the Maintenance Barn use is incompatible with the overall river corridor plans of river side recreation and restoration of the river corridor environment. Rico Renaissance has indicated that they are interested in dedicating nearly all of the river corridor property they own to the Town for a river corridor park but would like a hotel site somewhere along the river. The Maintenance Barn area is currently being studied due to its proximity to the main street core area of town and to the developed recreational amenities in the river corridor area, including a possible municipal hot springs facility. A possible synergy is recognized by locating a private hotel adjacent to municipal fee dependent recreation amenities.

Ownership status: The past ownership was by the mining and railroad companies. Rico Argentine dedicated an approximate 1 acre site to Dolores County for use as a County road maintenance barn. Rico Argentine Mining Company retained the surrounding land. The Rico Argentine Mining Company land holding was sold to Rico Development Corporation in the mid 1980's, then to Rico Renaissance, in 1994. Currently, the Maintenance Barn is owned by Dolores County subject to a reversionary clause that if the property is not used as a County road maintenance barn then it reverts back to Rico Argentine, or its successors. Future ownership of the area is subject to the current planning effort with Rico Renaissance.

4. Project Period and Budget

Project completion time: Rico is currently in a planning phase. Redevelopment of the site is contingent upon Rico constructing Phase I of a sewer system, agreeing on an overall development plan for Rico Renaissance's property, cleaning up the title for the site, find a site and obtaining funding to relocate the maintenance barn, and marketing and selling the site to an appropriate developer. No time frame can be determined at this time other than a general time frame of five years. The time frame for assessment activities is 15 months.

No budget is available for assessment activities.

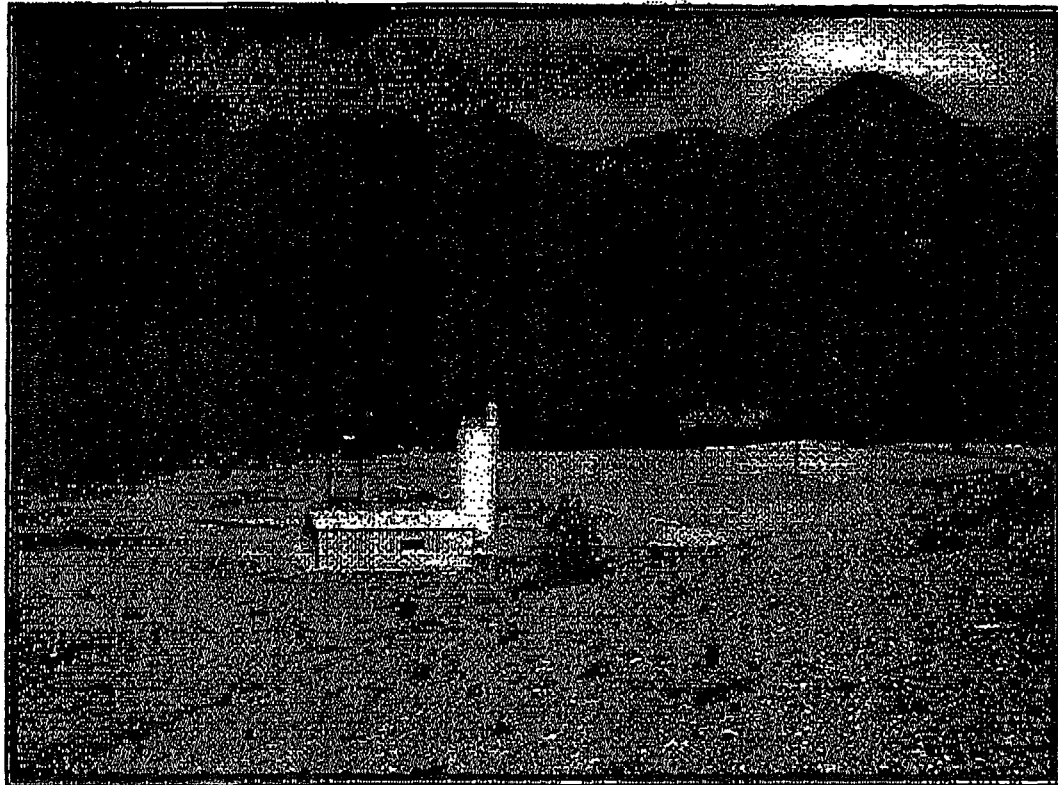
5. Assurance of Future Redevelopment of the Site

Use and redevelopment of the site are currently being discussed by the Rico Planning Commission and an ad hoc committee formed to work with Rico Renaissance. The Town is considering the formation of a Downtown Development Authority which would most likely be the municipal entity that would oversee and manage redevelopment of the site. A Downtown Development Authority could offer tax increment financing and other incentives. Current discussions envision the development of recreational amenities such as a municipal hot springs facility in the area of the hotel site as a public subsidized form of increasing the attractiveness and marketability of the hotel site.

6. Benefits

Rico has had virtually no local economy since the closure of the mines in the late 1970's. In the past 10 years Rico has slowly grown as a bedroom community to the Telluride resort area, 30 miles to the north over Lizard Head Pass. Rico has had a difficulty attracting residents because there are very few jobs and few amenities (no real parks, no grocery store, no school). With only 205 people a real "chicken and egg" dilemma exists because basic amenities and business cannot be supported by the existing population and additional residents are difficult to attract without amenities and businesses. A hotel redevelopment project will create new jobs and the additional visitor base will help support more businesses in Town. There are only two lodging establishments in Town, the Rico Hotel with less than 20 rooms and the Rico Motel with 6 rooms. Additional lodging is needed. This hotel redevelopment project will also help support a municipal hot springs facility, which will in turn establish a unique attraction for residents and visitors alike.

Brownfields Assessment Grant Application: Rico Light Industrial Site



St. Louis Tunnel Area North of Town

1. Contact Person

Name: Eric James Heil, Esq.
Telephone Number: (970) 967-5550
Facsimile Number: (970) 967-5551
Postal Address: P.O. Box 189
2 Commercial Street
Rico, CO 81332

E-Mail Address: ericheil@frontier.net

2. Site/Project Location

Site Name: St. Louis Light Industrial Study Site

Located in Dolores County, Colorado
10 Acres

Delinquent Taxes: unknown
Assessed Value of the Property: unknown

3. Site History and Current Status

This site was used for mining processing and treatment of contaminated mine discharge waters throughout the last 120 years.

There is a federal action for clean water act violations currently pending Federal District court. This action concerns a mine discharge into the Dolores River which has no current discharge permit and a lapsed permit that was in violation of the permit requirements and conditions. Much of the site is used as settling ponds for treatment of the mine discharge. An inactive treatment plant also exists on the site. Some light industrial uses are occurring in this area.

No suitable light industrial area exists in or near the Town of Rico. A high demand for light industrial areas has been recognized. This area north of Town is identified on the Rico Regional Master Plan as suitable for a light industrial area. Due to the surrounding mountain topography this site offers one of the only sites with potential flat areas for development. The location on the north side of Town is convenient for highway access to Telluride. Rico has experienced some growth in small specialty manufacturing businesses (metal working, wood working, etc.). A light industrial area is expected to allow additional small business start-ups.

Ownership status: Ownership is currently uncertain and under investigation. Ownership is expected to be a combination of Rico Renaissance, Rico Properties, the Estate of Wayne Webster, the U.S. Forest Service and other third party owners. Ownership maps are being prepared and Rico Renaissance is cooperating with Atlantic Richfield Company to hire a title company to research title and ownership issues associated with this area.

4. Project Period and Budget

Project completion time: Rico is currently in a planning phase. Redevelopment of the site is contingent upon Rico constructing Phase I of a sewer system, agreeing on an overall development plan for Rico Renaissance's property, and cleaning up the title for the site. No time frame can be determined at this time other than a general time frame of five years. The time frame for assessment activities is 15 months.

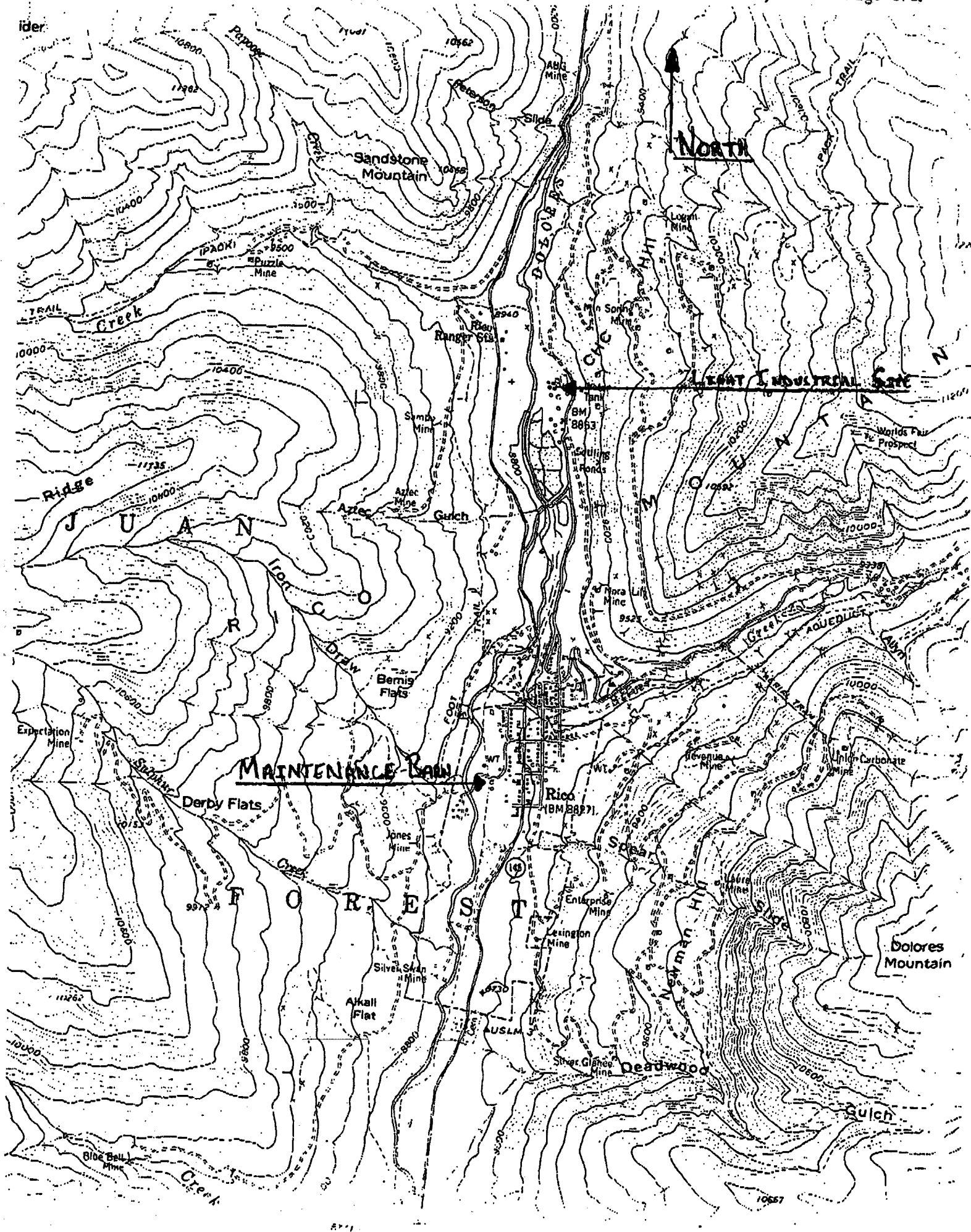
No budget is available for assessment activities.

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Use and redevelopment of the site are currently being discussed by the Rico Planning Commission and an ad hoc committee formed to work with Rico Renaissance. The Town is considering the formation of a Downtown Development Authority which would most likely be the municipal entity that would oversee and manage redevelopment of the site. A Downtown Development Authority could offer tax increment financing and other incentives.

6. Benefits

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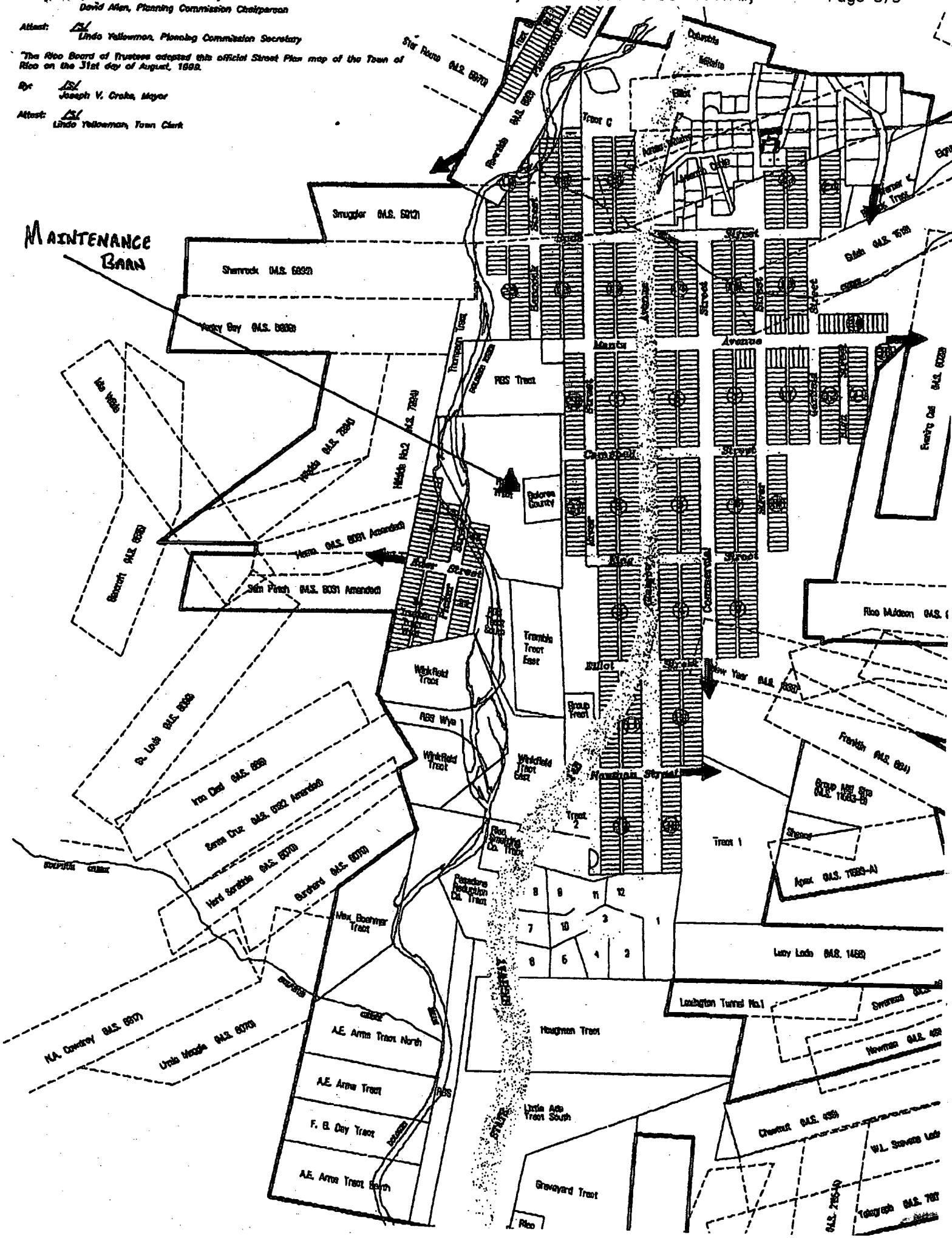


Attest: *[Signature]*
Linda Yellowman, Planning Commission Secretary

The Rico Board of Trustees adopted this official Street Plan map of the Town of Rico on the 31st day of August, 1999.

By: *[Signature]*
Joseph V. Crahn, Mayor

Attest: *[Signature]*
Linda Yellowman, Town Clerk



** Transmit Conf. Report **

P.1

Jun 12 2002 13:36

Telephone Number	Mode	Start	Time	Pages	Result	Note
3033126067	NORMAL	12.13:31	4'29"	10	* O K	

STATE OF COLORADO

Bill Owens, Governor
Jane E. Norton, Executive Director

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HAZARDOUS MATERIALS AND WASTE MANAGEMENT DIVISION
<http://www.cdphe.state.co.us/hm/>

4300 Cherry Creek Dr. S.
Denver, Colorado 80246-1530
Phone (303) 692-3300
Fax (303) 759-5355

222 S. 6th Street, Room 232
Grand Junction, Colorado 81501-2768
Phone (970) 248-7164
Fax (970) 248-7198



Colorado Department
of Public Health
and Environment

Howard Roitman, Division Director
Hazardous Materials and Waste Management Division

FAX TRANSMISSION

Fax # 303-759-5355

DELIVER IMMEDIATELY TO:

Tom Pike

COMPANY/AGENCY:

TELEPHONE #:

FAX #:

303 312-6067

FROM:

Mark Walker

TELEPHONE #:

303 692-3449

SUBJECT:

TBA in Rico

DATE:

6/12/02

NUMBER OF PAGES TO FOLLOW:

8

COMMENTS:

M E M O R A N D U M

To: Board of Trustees
Cc: Chuck Stillwell (ARCO), Stan Foster (Rico Properties), and Ramon Escure (Rico Renaissance)
From: Eric Heil, Town Manager and Attorney
Re: Schedule Outline – Development of Proposal
Date: 10-12-01

Summary: Attached is a Schedule Outline *Development of Proposal for St. Louis Adit Discharge Remedy*, a letter I sent to Chuck Stillwell of ARCO regarding community goals and potential Town interest in the St. Louis Tunnel area and other areas in the Rico region, and Resolution 2001-4 Concerning Water Pollution from Inactive and Abandoned Mines. In past conference calls ARCO, the state and federal agencies have each made it clear that none of them desires to hold a discharge permit if a treatment system is re-instituted. There has been inquiry into the Town's interest in holding a discharge permit and assuming some level of long term maintenance responsibilities for operating a treatment plant.

I have responded that (1) the Town government and Rico community is interested in understanding and participating in the formulation of a plan to re-institute treatment of the St. Louis Tunnel Adit Discharge and (2) the Town government could consider taking a more active role in pollution treatment operations but significant scrutiny should be expected and significant benefits would have to be realized for the Rico community considering that the Town, as an entity, has had absolutely nothing to do with the unlawful water pollution discharge. ARCO has agreed to provide \$10,000 funding to pay for my time to work on several preliminary research matters pursuant to the Town of Rico-ARCO-Heil agreement approved early last summer.

The Resolution contains lengthy recitals and three parts: (1) supporting a joint cooperative effort over the next six months to create a proposed plan to treat the St. Louis Adit Discharge, (2) supporting continued state and federal enforcement efforts, including mention of Superfund authority, and (3) supporting Town studying the possibility of assuming some type of long term operational responsibility. There are many technical aspects of any potential proposal for treatment of the St. Louis Tunnel Adit Discharge but at this time the Resolution does not commit the Town of Rico to any responsibilities.

Whether the Town ultimately assumes an active role or not it is beneficial for the Rico community to be involved in the process of determining an appropriate treatment strategy, especially in light of the fact that the last strategy involving Rico Development Corporation holding the discharge permit and assuming operational responsibility has failed.

ERIC JAMES HEIL
RICO TOWN MANAGER AND ATTORNEY

9-18-01

Chuck Stillwell
ARCO
307 East Park, Suite 400
Anaconda, MT 59711

VIA Fax: (406) 563-8269
Pages: 2

RE: St. Louis Mine Tunnel Discharge near Rico, Colorado

Dear Chuck,

As we discussed I'm providing this letter with preliminary ideas concerning potential treatment activities for the St. Louis Tunnel discharge and possible areas where such activities could be coordinated with community goals. The St. Louis Tunnel area is designated on the Rico Regional Master Plan as a future Light Industrial area. The Rico Regional Master Plan states the following:

"The "Light Industrial" Future Land Use Category is primarily intended for low impact service-oriented uses which provide services to the residents of Rico and the surrounding communities. Such uses offer significant economic development opportunities for the Town of Rico. Limited and accessory residential uses in the form of live/work housing is also permitted in order to provide cottage industry and economic development opportunities as well as increased levels of human activity and security to the area during off-hours.

Detached areas north of Town are thought to be more appropriate for light industrial uses because most traffic generated by these uses is likely to come from the north and the Telluride Region. The placement of light industrial uses in detached locations north of Town will help to minimize truck traffic through Town as compared to other possible locations. Specific areas planned for light industrial use include lands at the bottom of Aztec Draw and the mill site and tailings ponds area. Isolated sites on CHC Hill may be appropriate for extractive/mining industry."

The Master Plan was adopted in 1996. Since its adoption several small light industrial businesses have been established in Rico. I have received numerous inquiries for potential new small businesses of possible shop and yard space. This area may also be a potential site for a lumber yard which would substantially benefit the Town if it such a business was established in the Town boundary. The St. Louis Tunnel mill site is currently outside of the town boundaries. Issues related to considering Light Industrial uses at the St. Louis Tunnel mill site include the following:

1. Identification of property ownership and establishing clear title;
2. Identification of areas most appropriate for uses associated with treating the St. Louis tunnel discharge and identification of areas suitable for light industrial uses;

3. Review of annexation or other local governmental approval processes to authorize light industrial uses and identification of associated costs to pursue such process;
4. Extension or improvement of roads, highway access, or utilities necessary for water discharge treatment plan and/or potential light industrial uses; and,
5. Review of potential brownfields redevelopment funding through state and federal sources.

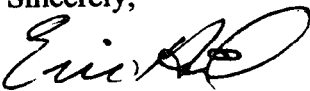
Besides the desired light industrial uses in the St. Louis tunnel treatment area town has a general interest to create "greenways" along the Dolores River and Silver Creek. The Rico Regional Master Plan, Article III Goals and Objectives, Parks, Recreation and Open Space, Paragraph 10. States as a goal and objective, "Preserve significant open space areas, including, Silver Creek and areas of the valley floor adjacent to the Dolores River."

In addition to the Town's goals in the St. Louis tunnel treatment area the Town has general goals to acquire the undeveloped lands along the Dolores River and Silver Creek. These lands could be used for recreation but would also benefit a watershed management effort. Besides preventing degradation of these waterway areas by potential future development public ownership would allow the Town to pursue the Federal Fishing is Fun grant program for restoration and enhancement of the river corridor. The Fishing is Fun program provides grant funding up to 75% of the cost of project. Total costs to fully restore and implement possible improvements is estimated at \$1,000,000.00 to \$1,500,000.00. The Town commissioned a river corridor study by AquaHab (based in Durango) which identifies a list of activities that could be undertaken to improve the riparian areas and aquatic habitat along the Dolores River and Silver Creek.

Finally, the Town may consider the use of sludge from the proposed sewer plant for composting and additional cover on existing mine tailings. The Town of Silverthorne has pursued such a program in the Climax mine tailings area. Such a program may provide mutually beneficial opportunities because it may allow for a lower cost to the Town to dispose of sludge while at the same time improving the appearance and vegetative cover of the tailings piles. The Town may also have an interest in considering the Columbia Tailings site for potential use as future Street Maintenance shop location (as part of long range River Corridor park plan that may desire relocation of the existing street maintenance shop). These potential uses of the tailings would necessarily involve review by State agencies for suitability.

With regard to the progress of creating a cooperative plan to address discharges into the watershed the Town is generally supportive of this approach. The Town Board will meet again on October 17th. I think an outline of tasks to be completed with a schedule would be helpful for the Town to understand and support this proposed approach.

Sincerely,



Eric James Heil

Cc: Rico Town Board

From: <Pike.Tom@epamail.epa.gov>
To: Mark Walker <Mark.Walker@state.co.us>
Date: 6/21/02 1:46PM
Subject: Re: TBA Requests

Hi Mark. I finished reviewing the info you sent me regarding the Rico TBA. One TBA, 2 properties. Right?

If I understand this correctly, Rico Renaissance is planning a land exchange with the City; their river front property for the maintenance barn and light industrial parcels. If it occurs, that certainly would support the public benefit requirement. I do have concerns about the current uncertain nature of the ownership and ownership agreements, i.e. with a change in use, the maintenance barn reverts to Argentine mining rather than the City or Rico Renaissance; and, the ownership of the light industrial parcel is described as "currently uncertain".

I know you are aware of the Region 8 policy of not conducting TBAs on privately held properties unless significant public benefit will result. Until the ownership issues on these 2 sites are resolved, benefit to the public cannot be fairly assessed and the likelihood of the land exchange occurring cannot be determined. If the ownership questions resolve in the favorable manner described by the City, these are wonderful projects. However, before work is initiated, worst case scenarios (e.g. TBA is conducted and site becomes privately held by a third party) will have to be eliminated.

Please let me know if you have any questions/comments. Cheers Tom

Mark Walker
<Mark.Walker@stat To: Tom Pike/EPR/R8/USEPA/US@EPA
e.co.us> cc:
Subject: Re: TBA Requests
06/13/02 01:02 PM

next week is fine..i did talk to eric heil and have faxed him access agreements and he assures me they will acquire access and they are working with the county regarding the clause in the ownership regarding reversion.

>>> <Pike.Tom@epamail.epa.gov> 06/13/02 11:40AM >>>

Hi Mark. I just wanted to let you know that I received your fax the other day and should have something back to you next week. If that time line doesn't work, let me know and I'll get it to you in September (just kidding). Let me know and I'll move it up on the stack. Cheers Tom

Mark Walker

<Mark.Walker@stat To:
ericheil@frontier.net
e.co.us> cc:

Subject: TBA Requests

06/12/02 12:56 PM

I have reviewed your requests for assessment assistance under our Targeted Brownfield Assessment Program. I am forwarding these requests to EPA for further discussion. In the meantime let me know if you will be able to get us access to do the assessments? In other words does Rico have the permission of the property owners to do these assessments? With respect to the maintenance barn, is there a significant chance the property will revert to Rico/Argentine (or successors) if use as a maintenance barn is discontinued, or have initial inquiries about this already been made?

CC: <Reed.Karen@epamail.epa.gov>, <ostrander.david@epamail.epa.gov>

LAW OFFICE OF RAMON M. ESCURE, P.C.

P.O. Box 2542
222 West Colorado Avenue
Pekkarine Building, Unit 2 (Fat Alley)
TELLURIDE, COLORADO 81435
(970) 728-6116 Phone • (970) 728-5194 Fax
landlaw@telluridetelluride.com

CONFIDENTIAL FACSIMILE TRANSMISSION

TO:

Mr. Mark Walker

FROM:

Ramon M. Escure

COMPANY:

DATE:

JULY 17, 2002

FAX NUMBER:

TOTAL NO. OF PAGES INCLUDING COVER:

303-759-5355**4**

PHONE NUMBER:

REFERENCE NUMBER:

RE:

Rico Brownfield Project

THIS MESSAGE IS INTENDED ONLY FOR THE INDIVIDUAL OR ENTITY TO WHICH IT IS TRANSMITTED AND MAY CONTAIN INFORMATION THAT IS ATTORNEY-PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAWS. IF THE READER OF THE COMMUNICATION IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL COMMUNICATION TO US AT THE ADDRESS ABOVE VIA U.S. POSTAL SERVICE. WE WILL REIMBURSE YOU FOR THE MAILING COSTS. THANK YOU FOR YOUR COOPERATION.

LAW OFFICE OF RAMON M. ESCURE, P.C.

P.O. Box 2542
222 West Colorado Avenue
Pekkarine Building, Unit 2 (Fat Alley)
TELLURIDE, COLORADO 81435
(970) 728-6116 Phone • (970) 728-5194 Fax
landlaw@telluridetelluride.com

July 17, 2002

Mr. Mark E. Walker
Voluntary Cleanup/Brownfields
CDPH&E
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

Facsimile Transmission
303-759-5355

Re: Rico Brownfield Project

Dear Mark:

Thank you for meeting with myself, Erin Johnson and Stanley Foster with reference to a proposed Brownfield conversion in the area of the St. Louis Tunnel in Rico, Colorado. Please review the enclosed Access Agreement with reference to the Mervin and Martha Mining Claims. I utilized the form and language provided by your office. If the enclosed form is satisfactory, please advise my office and I will forward the same to Mr. Foster for his signature. I will courier the original to your office upon receipt.

Also enclosed is a copy of correspondence to Foley Associates, Inc. wherein I request that they stake the corners and boundary lines of the Mervin and Martha Mining Claims. You will note that I have requested stakes on the property corners and along the boundary line have flagging that will make the staking highly visible and easily identified. As soon as the staking is completed I will advise.

Lastly, as soon as you advise as to the acceptability of the enclosed form Access Agreement, I will provide an additional agreement and staking order for the real property adjacent to the maintenance barn in Rico, Colorado. I would also like to discuss the sampling and site assessment procedures with you. Please call at your convenience.

Very truly yours,

LAW OFFICE OF RAMON M. ESCURE, P.C.


Ramon M. Escure, Esq.

cc: Stanley Foster, Manager

STATE OF COLORADO

Bill Owens, Governor
Jane E. Norton, Executive Director

Dedicated to protecting and improving the health and environment of the people of Colorado

4300 Cherry Creek Dr. S.
Denver, Colorado 80246-1530
Phone (303) 692-2000
TDD Line (303) 691-7700
Located in Glendale, Colorado

Laboratory and Radiation Services Division
8100 Lowry Blvd.
Denver, Colorado 80230-6928
(303) 692-3090

<http://www.cdphe.state.co.us>



Colorado Department
of Public Health
and Environment

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT ACCESS AGREEMENT

FOR THE PURPOSE OF SURFACE WATER AND SEDIMENT SAMPLING, DRILLING AND CONSTRUCTING GROUND WATER MONITORING WELLS, AND OBTAINING SUBSURFACE SOIL AND GROUND WATER SAMPLES

I, the undersigned, hereby agree to permit employees of the Colorado Department of Public Health and Environment (CDPHE) and their contractors to access the property (described below) for the purpose of surface water and sediment sampling, drilling and constructing ground water monitoring wells, and for the advancement of surface and subsurface soil borings for the purpose of collecting soil and ground water samples as part of an environmental investigation. CDPHE will arrange for utilities to be cleared before commencement of drilling/boring activities. All field activities will be conducted in a manner that will result in minimal disruption to the property.

All drilling will be conducted with a truck-mounted drill rig. The ground water monitoring wells will be completed as flush-mount or with protective casing that will extrude above the surface approximately two (2) feet. The wells will be plugged and abandoned in accordance with requirements of the State Department of Natural Resources within one year of the date of installation or sooner at the request of the property owner.

Rico Properties Limited Liability Company
A Colorado limited liability company

By: _____

Stanley Foster, Manager

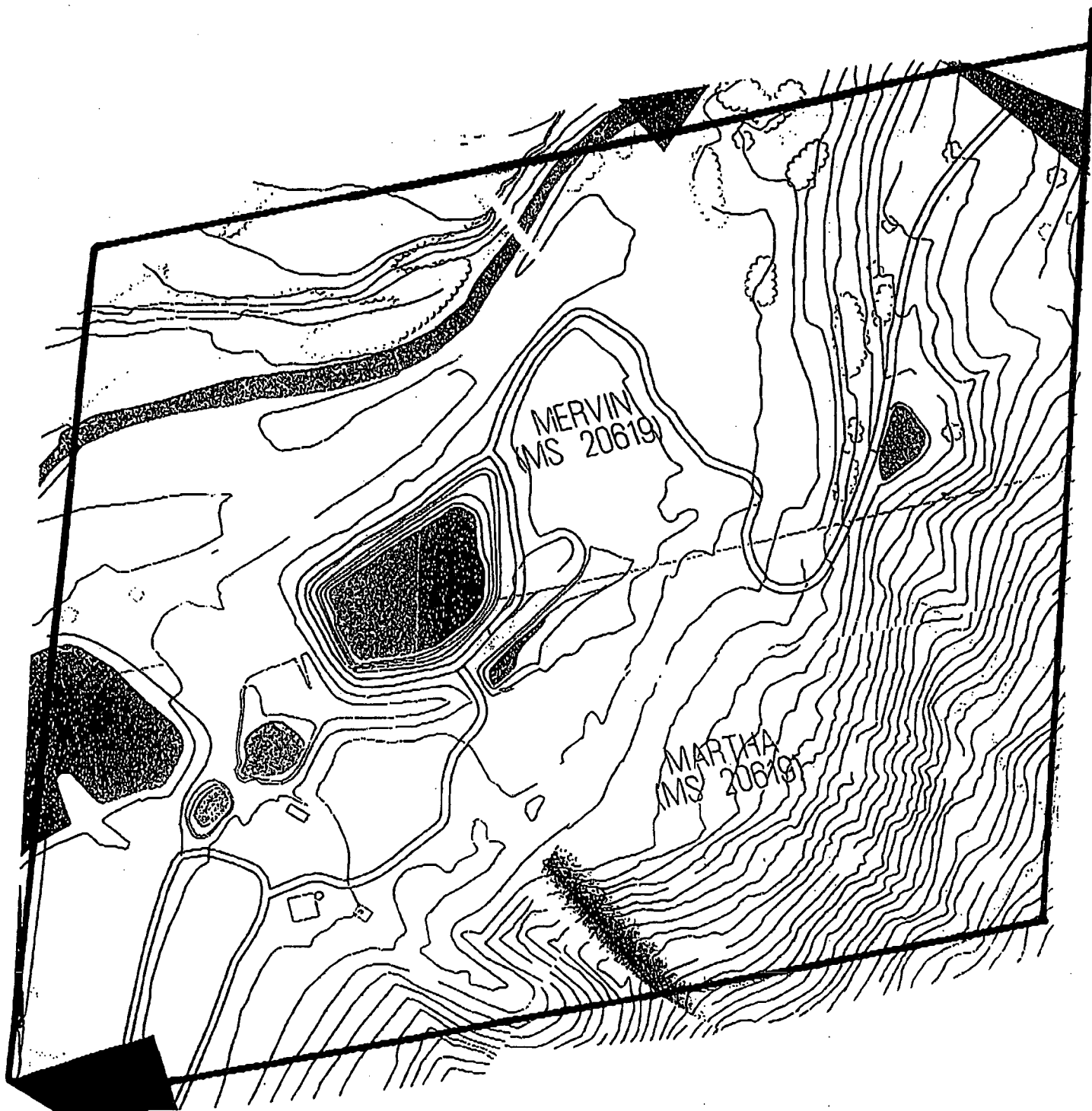
Date

Property Description: The following named patented lode, placer and mill site mining claims located in the Rico Mining District, Dolores County, State of Colorado, the United States Patent Numbers and the United States Mineral Survey Numbers of which are, and the patent of which is filed in the real property records of Dolores County, Colorado:

Mervin
Martha

Patent No. 1115034
Patent No. 1115034

Mineral Survey No. 20619
Mineral Survey No. 20619



LAW OFFICE OF RAMON M. ESCURE, P.C.

222 West Colorado Avenue
Pekkarine Building, Unit 2 (Fat Alley)
TELLURIDE, COLORADO 81435
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ramon@telluridetelluride.com

July 17, 2002

Mr. David Foley
Foley and Associates, Inc.
P.O. Box 1385
Telluride, CO 81435

Hand Delivered

**Re: Martha and Mervin Mining Claims
Rico, Dolores County, Colorado**

Dear David:

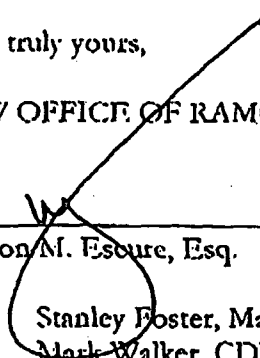
Rico Properties, LLC, is currently working with the Town of Rico, the Colorado Department of Public Health and Environment, Environmental Protection Agency and ARCO on a potential Brownfield conversion in the area of the St. Louis Tunnel on the Martha and Mervin Mining Claims. One of the initial steps will be a site assessment that will entail drilling on the property to obtain water and soil samples. The representatives from the Colorado Department of Public Health and Environmental Protection Agency have requested that prior to site assessment the boundaries and property corners on the Martha and Mervin Mining Claims be staked and flagged.

As soon as practical, please have your survey crews stake the boundaries and corners on the Mervin and Martha Mining Claims. Staking should also be placed at regular intervals along the boundary with flagging for ease in identification. Please confirm when the staking is completed.

Should you have any questions, please advise. Please deduct the cost of this service from the deposit on account for survey work north of the bridge in Rico.

Very truly yours,

LAW OFFICE OF RAMON M. ESCURE, P.C.



Ramon M. Escure, Esq.

cc: Stanley Foster, Manager
Mark Walker, CDPH&E
Ashton Harrison, Rico
Patrick Lee, EMC

LAW OFFICE OF RAMON M. ESCURE, P.C.

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landlow@telluridetelluride.com

CONFIDENTIAL FACSIMILE TRANSMISSION

TO:
Mr. Mark F. Walker

FROM:
Ramon M. Escure, P.C.

COMPANY:
Voluntary Cleanup/Brownfield CDPH&E

DATE:
8/6/02

FAX NUMBER:
303.759.5355

TOTAL NO. OF PAGES INCLUDING COVER:

PHONE NUMBER:

REFERENCE NUMBER:

RE:
Rico Brownfield Project

Letter to Mark Walker of 8/6/02 regarding Rico Brownfield Project w/ attachments
Letter to Mark Walker of 8/6/02 regarding Rico Brownfield Project/ Columbia Tailings site
Letter to Mark Walker of 8/6/02 regarding Rico Brownfield Project nonprofit entity

THIS MESSAGE IS INTENDED ONLY FOR THE INDIVIDUAL OR ENTITY TO WHICH IT IS TRANSMITTED AND MAY CONTAIN INFORMATION THAT IS ATTORNEY-PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAWS. IF THE READER OF THE COMMUNICATION IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL COMMUNICATION TO US AT THE ADDRESS ABOVE VIA U.S. POSTAL SERVICE. WE WILL REIMBURSE YOU FOR THE MAILING COSTS. THANK YOU FOR YOUR COOPERATION.

LAW OFFICE OF RAMON M. ESCURE, P.C.

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TELLURIDE, COLORADO 81435
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landlaw@telluridetelluride.com

August 6, 2002

Mr. Mark E. Walker
Voluntary Cleanup/ Brownfield
CDPH&E
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

Facsimile Transmission
303.759.5355

Re: Rico Brownfield Project

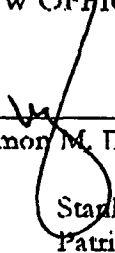
Dear Mark:

Enclosed are copies of the Access Agreements for the Martha and Mervin mining claims and the Roys Tract in Rico, Colorado. The Access Agreements have been executed by Stanley A. Foster, Manager of Rico Properties, LLC.

Yesterday, I confirmed with Foley Associates, Inc. that the boundaries of the Martha and Mervin mining claims have been staked and flagged using a recent survey. My client has requested that Foley Associates confirm the accuracy of the survey. With reference to the Roys Tract, Foley Associates, Inc. has staked the disturbed area that you and I inspected on July 11, 2002. Foley Associates, Inc. can prepare a sketch of the staked area and calculate the acreage, if that is required for your purposes.

Very truly yours,

LAW OFFICE OF RAMON M. ESCURE, P.C.



Ramon M. Escure, Esq.

cc: Stanley Foster, Manager Rico Properties, LLC
Patrick Lee, EMC
Ashton Harrison, Rico Town Manager

North Rico Light Industrial Park

Brownfield - Brownfield Pilots - Technical Documents - Rico
Brownfield Project

8/6/2002

BRN/3.3./37



BRN/3.3./31

STATE OF COLORADO

Bill Owens, Governor
Jane E. Norton, Executive Director

Dedicated to protecting and improving the health and environment of the people of Colorado

4300 Cherry Creek Dr. S.
Denver, Colorado 80246-1530
Phone (303) 692-2000
TDD Line (303) 691-7700
located in Glendale, Colorado

Laboratory and Radiation Services Division
8100 Lowry Blvd.
Denver, Colorado 80230-6928
(303) 692-3090

<http://www.cdphe.state.co.us>



Colorado Department
of Public Health
and Environment

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
ACCESS AGREEMENT**

**FOR THE PURPOSE OF SURFACE WATER AND SEDIMENT SAMPLING, DRILLING AND CONSTRUCTING
GROUND WATER MONITORING WELLS, AND OBTAINING SUBSURFACE SOIL AND GROUND WATER
SAMPLES**

I, the undersigned, hereby agree to permit employees of the Colorado Department of Public Health and Environment (CDPHE) and their contractors to access the property (described below) for the purpose of surface water and sediment sampling, drilling and constructing ground water monitoring wells, and for the advancement of surface and subsurface soil borings for the purpose of collecting soil and ground water samples as part of an environmental investigation. CDPHE will arrange for utilities to be cleared before commencement of drilling/boring activities. All field activities will be conducted in a manner that will result in minimal disruption to the property.

All drilling will be conducted with a truck-mounted drill rig. The ground water monitoring wells will be completed as flush-mount or with protective casing that will extrude above the surface approximately two (2) feet. The wells will be plugged and abandoned in accordance with requirements of the State Department of Natural Resources within one year of the date of installation or sooner at the request of the property owner.

Rico Properties Limited Liability Company
A Colorado limited liability company

By:


Stanley Foster, Manager

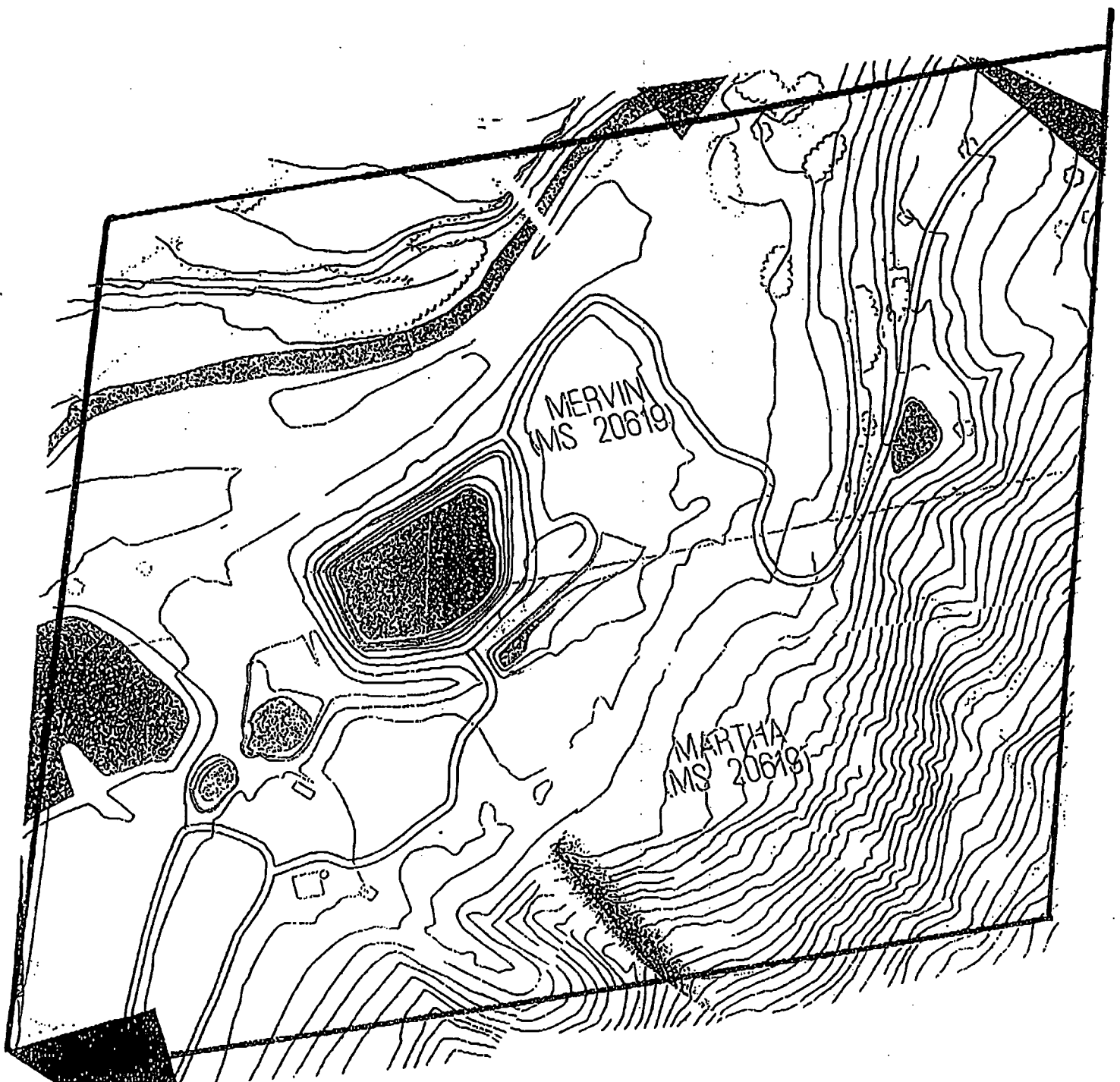
8-1-02
Date

Property Description: The following named patented lode, placer and mill site mining claims located in the Rico Mining District, Dolores County, State of Colorado, the United States Patent Numbers and the United States Mineral Survey Numbers of which are, and the patent of which is filed in the real property records of Dolores County, Colorado:

Mervin
Martha

Patent No. 1115034
Patent No. 1115034

Mineral Survey No. 20619
Mineral Survey No. 20619



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Denver, Colorado 80246-1530
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Denver, Colorado 80230-6928
(303) 692-3090

<http://www.cdphc.state.co.us>



Colorado Department
of Public Health
and Environment

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT ACCESS AGREEMENT

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All drilling will be conducted with a truck-mounted drill rig. The ground water monitoring wells will be completed as flush-mount or with protective casing that will extrude above the surface approximately two (2) feet. The wells will be plugged and abandoned in accordance with requirements of the State Department of Natural Resources within one year of the date of installation or sooner at the request of the property owner.

Rico Properties Limited Liability Company
A Colorado limited liability company

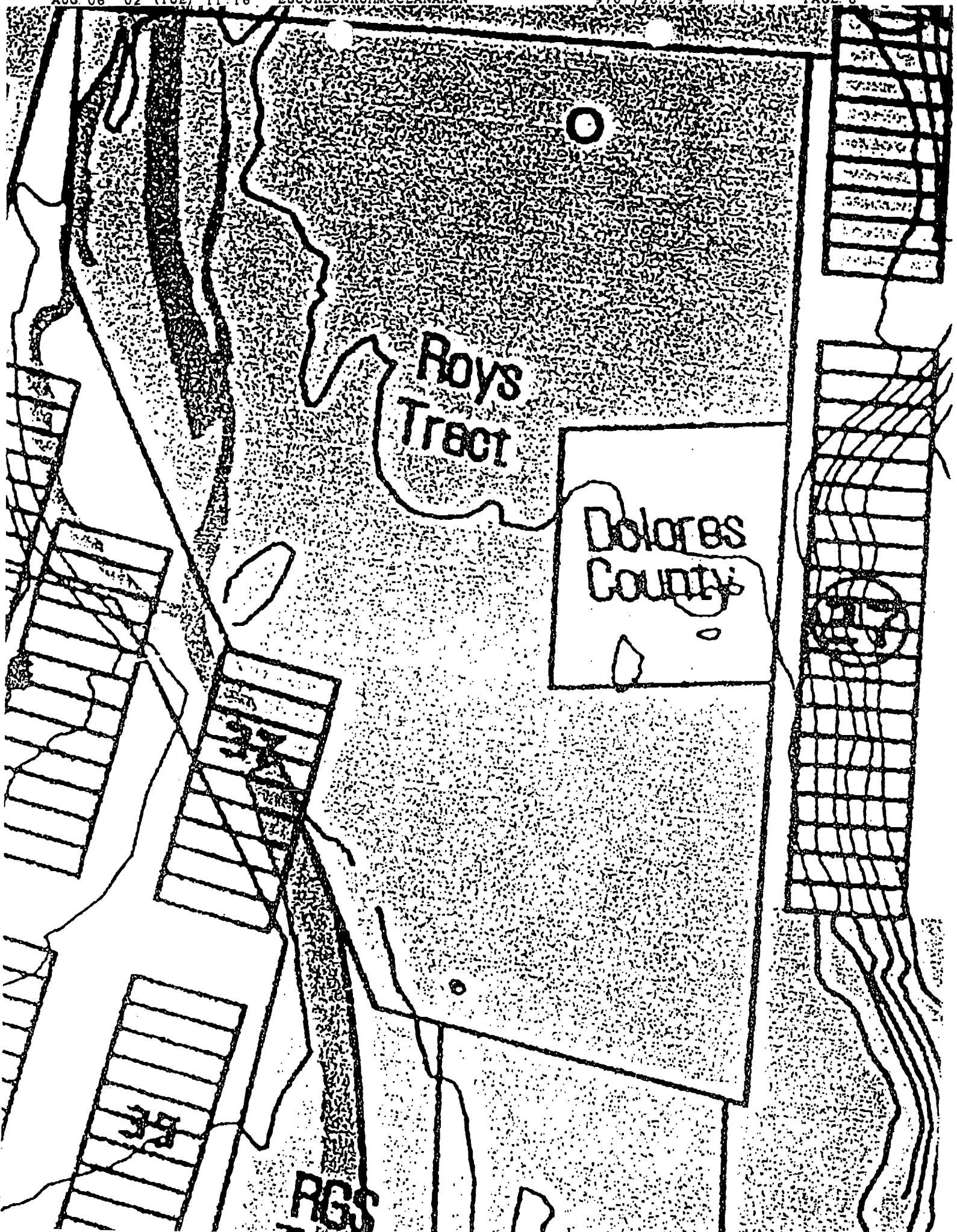
By: _____

Stanley Foster, Manager

8-1-02
Date

Property Description: A tract of land referred to as "Roys Tract" located within Townsite of Rico more particularly described as follows: Beginning at the Southeast corner of tract being conveyed whence the Southeast Corner of Block 27 is North 33°31'46" East 213.8 feet and Northeast Corner of Trumble Tract is North 81°11' West 18.4 feet; thence North 1°52' West 918.7 feet to Northeast Corner (var. 12°42" East); thence South 88°8' West 628.6 feet to Northwest Corner (var. 13°55' East); thence South 1°52' East 222.5 feet to West angle corner (var. 13°15' East); thence South 27°39' East 705.8 feet to Southwest Corner; thence South 81°11' East 327.3 feet to Southeast Corner, the place of beginning.

County of Dolores,
State of Colorado.



Roys
Tract

Dolores
County

FGS

LAW OFFICE OF RAMON M. ESCURE, P.C.

P.O. Box 2542
222 West Colorado Avenue
Pekkarine Building, Unit 2 (Fat Alley)
TELLURIDE, COLORADO 81435
(970) 728-6116 Phone • (970) 728-5194 Fax
landlaw@telluridetelluride.com

August 6, 2002

Mr. Mark E. Walker
Voluntary Cleanup/ Brownfield
CDPH&F
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

Facsimile Transmission
303.759.5355

Re: Rico Brownfield Project/ Columbia Tailings Site

Dear Mark:

Thank you for discussing the 1996 Columbia Tailings Site, Pro Patria Mill Tailings and Silver Swan Waste Rock voluntary cleanup project. An inspection of Columbia Tailings Site on July 11, 2002, disclosed a log home construction operation on the cleanup site. Following our recent telephone conversation, I reviewed with my client the voluntary cleanup plan submitted to your agency in November, 1995, and your agency's "no further action letter" of March 4, 1996. These documents limit the land use of the cleanup site to tourist parking, non-residential, open space/recreation, visitor center/picnic area and no facilities. The log home construction operation would appear to be inconsistent with the land uses defined in the above referenced documents.

After discussing these matters with my client, the company has agreed to relocate the log home construction operation off of the Columbia Tailings Site. The property is occupied under a short-term verbal lease. My client estimates that it will take at least thirty (30) days to relocate the tenant to a more suitable site in Rico. At the time the site is vacated, my client will cause the surface area to be cleaned and regarded, if need be, to restore the site to the condition that existed at the time the voluntary cleanup was completed. Following the vacation and restoration of the site, we should schedule an inspection to close this matter.

Your understanding and cooperation is greatly appreciated.

Very truly yours,

LAW OFFICE OF RAMON M. ESCURE, P.C.



Ramon M. Escure, Esq.

cc: Stanley Foster, Manager Rico Properties, LLC
Patrick Lee, EMC
Ashton Harrison, Rico Town Manager

LAW OFFICE OF RAMON M. ESCURE, P.C.

P.O. Box 2542
222 West Colorado Avenue
Pekkarine Building, Unit 2 (Fat Alley)
TELLURIDE, COLORADO 81435
(970) 728-6116 Phone • (970) 728-5194 Fax
landlaw@telluridetelluride.com

CONFIDENTIAL FACSIMILE TRANSMISSION

TO:

Mark E. Walker

FROM:

Ramon M. Escure

COMPANY:

CDPH&E

DATE:

AUGUST 15, 2002

FAX NUMBER:

303-759-5355

TOTAL NO. OF PAGES INCLUDING COVER:

X 6

PHONE NUMBER:

REFERENCE NUMBER:

RE:

Rico Brownfield Project

THIS MESSAGE IS INTENDED ONLY FOR THE INDIVIDUAL OR ENTITY TO WHICH IT IS TRANSMITTED AND MAY CONTAIN INFORMATION THAT IS ATTORNEY-PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAWS. IF THE READER OF THE COMMUNICATION IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL COMMUNICATION TO US AT THE ADDRESS ABOVE VIA U.S. POSTAL SERVICE. WE WILL REIMBURSE YOU FOR THE MAILING COSTS. THANK YOU FOR YOUR COOPERATION.

➤➤➤ STRATEGIC DESIGN GROUP, LLC

Post Office Box 19
222 W. Colorado Avenue
Telluride, Colorado 81435
(970) 728-6116 ■ (970) 728-5194 fax
landlaw@telluridetelluride.com

August 14, 2002

Mr. Ashton Harrison
Rico Town Manager
P.O. Box 56
2 Commercial Street
Rico, Colorado 81332

Facsimile Transmission
(970.967.2862)

Mr. Eric Heil
Rico Town Attorney
P.O. Box 56
2 Commercial Street
Rico, Colorado 81332

Facsimile Transmission
(970.967.5551)

Re: Rico Brownfield Project

Dear Ashton and Eric:

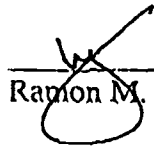
Enclosed is our memorandum concerning the Rico Brownfield Projects. Thank you for taking the time to discuss this matter with me. I will send a courtesy copy directly to Mark E. Walker and Mark Rudolph with the Colorado Department of Public Health and Environment.

Our clients support your Brownfield application and have requested that we devote our energies to helping you and Rico move the projects along. Please call either Erin Johnson or myself should you need any assistance.

Very truly yours,

STRATEGIC DESIGN GROUP, LLC

By:


Ramon M. Escure, Manager

cc: Mark E. Walker, CDPH&E (303.759.5355)
Chuck Stilwell, P.E., Atlantic Richfield (406.563.8269)
Patrick E. Lee, EMC2 (303.384.0400)
Stanley A. Foster, Rico Properties, LLC (970.967.5441)
Strategic Design Group, LLC - Managers

*Strategic Design Group LLC
222 W Colorado Ave.
P.O. Box 19
Telluride, Colorado 81435
970-728-6116, Fax 970-728-5194*

MEMO

TO: Stakeholders
FROM: Strategic Design Group for Rico Properties, LLC.
RE: Rico Brownfields Remediation Project
DATE: August 15, 2002

RICO BROWNFIELDS REMEDIATION PROJECT

Representatives of various federal, state, and local agencies and entities, private landowners, and other stakeholders have recently focused on the status of various brownfield sites in and around the Town of Rico, Colorado. The primary areas of focus at this time are the St. Louis tunnel site located north of Rico and the county maintenance facility located near the Dolores River in the center of the town. There are several other known and potential brownfield sites in the area with varying degrees of contamination. While these additional sites and other related issues will demand future attention, circumstances require that the stakeholders develop an immediate strategy to address the two primary sites. This is necessary to preserve the offer of technical, financial, and other assistance from the agencies.

State and federal agency representatives have made site visits to Rico and have committed resources to conduct the initial site assessments of the two areas in early October of 2002. Rico Properties, LLC., desires to make available without delay the land needed for both assessment and remediation purposes. However, the current private ownership of areas around both sites limits or prevents state and federal assistance for brownfield remediation. In the absence of a quick resolution of various issues, the state and federal agencies will move on to other projects until a local consensus is achieved. This could delay the remediation and possible redevelopment of these sites for many years, and further delay appropriate attention to other environmentally distressed areas in and around Rico. This must be avoided.

Rico Properties LLC, is willing to dedicate the land needed for remediation facilities and to restrict the use of other reclaimed land in accordance with an approved remediation and redevelopment plan. The clear public benefit of the redevelopment of the two areas after remediation is obvious. Primarily the remediated sites will provide areas for the remediation facilities and for the possible relocation of the county maintenance facility and other potential public/civic uses.

Additionally, there is a high need in the area for new business and light industrial development sites and there is little usable land in Rico for these types of uses. The Up Valley area, already impacted by over one hundred years of mining activity, is an excellent location for future business and industrial development. Without the development of remaining usable land as a light industrial park, the Town may be forced to allow such uses along the main street highway

corridor, an area better suited to commercial, retail, and tourism uses. Both of these sectors are vital to the future economic viability of Rico, and their establishment will help to create employment and tax revenues and to attract new residents to the area.

All parties agree that it is in everyone's best interests to address the two primary brownfield sites immediately without jeopardizing the outside assistance. However, the various stakeholders have differing interests and perspectives:

1. The state and federal agencies want to remediate the two sites as soon as possible, and each involved agency must uphold and implement laws within their regulatory structures.
2. The Town of Rico, as one of the involved local government entities, desires the assistance of the agencies, is willing to accept future management responsibilities, and appears to be willing to accept post-remediation environmental liability to some extent. The Town has very limited resources. The Town does not own either site, and has little governmental control on the site located outside its municipal boundaries.
3. Rico Properties, LLC., as a primary landowner of the affected property areas, desires to fully support and participate in the remediation effort, and also desires to address the future redevelopment of the remediated brownfield sites and the surrounding areas in a comprehensive manner.
4. Atlantic Richfield and other potential responsible parties, desire to gain agency approval for a voluntary cleanup effort and participate in the remediation of the brownfield sites.

The Town proposes that the entire Martha/Mervin claim [which includes the St. Louis tunnel site] is transferred to it without agreement as to future uses or redevelopment. The contaminated area at the county maintenance facility exceeds the site owned by the county, but no specific proposal has been made to alleviate this ownership problem to meet the brownfield requirements. The Town desires to acquire the entire tract surrounding the maintenance facility, owned by Rico Properties, LLC., for the future development of a river park, lodge, and hot springs.

The Town's proposal to acquire the two parcels provides a quick resolution of the agency requirement of governmental or nonprofit ownership of the affected land and would allow the proposed remediation project to proceed unimpaired. However, the stakeholders need time to properly address the potential redevelopment of the sites and surrounding areas after the remediation is complete.

The maintenance facility brownfield site has been discussed and planned by the Town and Rico Properties, LLC., as being within an area proposed for the development of a lodge/hot springs/spa/recreation facility that would provide a major amenity for the community and create a significant economic development element for the Town. Discussions to date have proposed a public/private partnership where the Town builds and operates the hot springs and recreation facility, and the private sector builds the lodge/spa facility. Land and water rights ownership would

be worked out later in the development process. It will take time to establish a workable plan for this area.

The Martha/Mervin claim is part of a development plan for a business and light industrial park that is an extremely high priority for the Town. The planning efforts of Rico Properties, LLC, support the Town's priority. Rico Properties, LLC., anticipates that a certain amount of land on the Martha/Mervin claim will be needed for the St. Louis remediation facilities. Additional land may also be rendered unusable or extremely limited as a result of the assessment and remediation process.

The Town desires to relocate the current maintenance facility to the area, and preliminary planning indicates that the area may be a good location for a new community baseball field/outdoor recreation facility. These civic facilities will absorb a large amount of usable land in the Up Valley area.

Many elements are involved in planning the light industrial park. Rico Properties, LLC., is in the process of initial site planning to determine future development potential. Due to the current land configurations, some level of consolidation of both public and private land ownership interests will be necessary. Rico Properties, LLC., would like to acquire some portions of land held by the USFS in the Up Valley area for redevelopment purposes and owns other land available to trade with the USFS under the Small Tracts Act. It is assumed that the USFS would be willing to dispose of potentially contaminated land in this area and will be able to identify suitable exchange land.

Rico Properties, LLC., is also finalizing a title research effort to determine the validity of partial ownerships in other claims in the Up Valley area that may be suitable for redevelopment. After the research is complete, these parties will be approached and offered a variety of alternatives for moving forward with the project.

In order to place the St. Louis brownfield site under Town jurisdiction, annexation is required. Once the land suitable for future uses is determined and the landowners are in agreement as to a development proposal, an application for annexation to the Town and development as a PUD will be made. The costs and time that will be associated with getting the redevelopment project to this point are very high. A pre-annexation agreement will need to address zoning, land uses, phasing, of development, how utilities and services will be provided, how each party will meet their obligations, and other matters involved in the annexation process. The annexation may be made in several phases, and the required coordination and review processes will add significant new expenses to the project.

The Town and Rico Properties, LLC., are also aware that the current environmentally degraded status of the area will require substantial resources to result in a successful redevelopment project. A private developer cannot overcome the many obstacles and have a marketable product, particularly in an economically distressed area. Due to the Town's fiscal status, it is doubtful that typical incentive programs such as tax increment financing, tax credit programs, loan interest subsidies, and industrial development grants can be offered to alleviate some of the problems. The issue of future environmental liability also needs to be resolved. A

business improvement district or an municipal renewal authority can implement an effective incentive package, but these tools require annexation and a long planning period before any benefits can be realized. A metropolitan district is proposed by Rico Properties, LLC., for infrastructure funding and construction, which would relieve certain burdens for the Town, but does not result in any savings or incentives for the future business user or investor.

Under any circumstances, vesting the Town of Rico with full jurisdiction of the St. Louis site requires annexation of the subject property. Prior to annexation, the Town has very limited authority to take governmental actions regarding land outside of its boundaries. As an interim measure, Rico Properties, LLC., proposes that the required property is transferred into a qualified nonprofit corporation so that the remediation can occur on schedule and without annexation. Title to the property can be held by the non-profit entity until the stakeholders have time to develop an appropriate redevelopment plan for the two sites and determine the rights and obligations of all involved parties.

The use of nonprofit intermediaries for these and similar purposes is a growing trend in brownfield remediation and redevelopment, and case studies prove them to be an essential tool if the future of the sites are to be considered. It is rare that the redevelopment of a brownfield site after remediation is not important to the community, landowners, and others who remain involved after the clean-up takes place.

Rico Properties, LLC., believes that an appropriate nonprofit entity can be formed in the time available to meet the necessary requirements. The entity will be established with clear directives that meet the requirements of the agencies, identify obligations that need to be addressed by the parties, and establish a time frame for implementing the redevelopment project. The nonprofit entity would include the representation of various stakeholders, including Dolores County, the Town of Rico, Strategic Design Group/Rico Properties, LLC., state/federal agency representatives, local businesses, the USFS, and third party landowners. The primary purposes of the entity will be to hold title to the subject land as an intermediary pending the remediation and to accomplish a redevelopment plan that establishes clear public benefit. When a plan is in place, control of or title to the property can be transferred to identified entities.

The nonprofit entity could remain in existence indefinitely to serve similar purposes regarding other contaminated sites in the Rico area. At the appropriate time the entity could be merged with a municipal renewal authority or other entity established for guidance purposes when a redevelopment plan is in place and annexation has occurred.

Rico Properties, LLC., fully supports the unhindered progress of the Rico Brownfields Remediation Project, and remains committed to ensure that adequate land is made available for all remediation purposes. Rico Properties requests that the agencies, Town, and other stakeholders seriously consider the importance of what happens in the Rico area after the actual remediation of the two sites. To address this issue the stakeholders need to immediately agree on a course of action that can meet the agency requirements and allow the stakeholders time to conduct a meaningful redevelopment planning process. Rico Properties, LLC., believes that this can be achieved and is prepared to devote the resources necessary to accomplish the agreed goals within an appropriate time frame.

ERIC JAMES HEIL, ESQ.**TELECOPIER COVER SHEET**TO: MARK WALKER DATE: 9-09-02FAX NO: (303) 759-5355

FROM: Eric James Heil

PHONE: (970) 967-5550

RE: Access AgreementPAGES W/ COVER: 2

NOTES:

North Rico Light Industrial Park

9/9/2002

Brownfield - Brownfield Pilots - Technical Documents - Access
Agreement

BRN/3.3./39



BRN/3.3./31

STATE OF COLORADO

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Denver, Colorado 80230-6928
(303) 692-3090



Colorado Department
of Public Health
and Environment

ACCESS AGREEMENT: FOR THE PURPOSE OF OBTAINING ENVIRONMENTAL SAMPLES

I, the undersigned, hereby agree to permit employees of the Colorado Department of Public Health and Environment and their contractor(s) to access the property (described below) for the purpose of collecting environmental samples. These samples may include soil, ground water, surface water, and sediment samples. This access agreement is granted for the purpose of conducting a Site Assessment. Field activities will be conducted in a manner which will result in minimal disruption to the property.

The Colorado Department of Public Health and Environment is performing this task under a Cooperative Agreement with the Town of Rico for the purposes of conducting a Targeted Brownfield Assessment.

I certify I have the authority to grant this permission and I do so voluntarily.

LeRoy Gore

Chairman Dolores County Commission

Name (please print)

Title (owner, representative)

Signature

Date

Dolores County Maintenance Shop Rico CO

Property Description (Address)